



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,794	10/30/2003	Cheng Chung Wang	10111395	8106
34283	7590	10/05/2005	EXAMINER	
QUINTERO LAW OFFICE 1617 BROADWAY, 3RD FLOOR SANTA MONICA, CA 90404			HEWITT, JAMES M	
		ART UNIT		PAPER NUMBER
				3679

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/696,794	WANG, CHENG CHUNG
	Examiner James M Hewitt	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 1/10/05, 2/7/05, 4/29/05, 5/27/05.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/10, 2/7, 5/27/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 2-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the telephone conversation on 9/1/04.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kanzler (US 4,941,221).

With respect to claim 1, Kanzler discloses an air mattress comprising: a mattress pad (10); a back support (31) to raise a part of (e.g. 25) the mattress pad; and an air pump assembly built into the mattress pad to inflate the mattress pad and the back support (see col. 1 lines 54-62 and col. 5 lines 33-44). As Kanzler does not depict or describe his control system as being external to his apparatus, Kanzler is considered to disclose an air pump assembly (control system) built into the mattress pad. In the instance that this is not the case, it nevertheless would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a built-in

Art Unit: 3679

pump assembly in order to reduce the number of components for the apparatus and avoid potential loss of one of the components. Note the prior art of record for several inflatable mattresses having built-in pump assemblies.

With respect to claim 6, wherein the back support has a V-shaped cross section (see Figures 6, 8 and 9), or at least as V-shaped in cross section as the back support of the instant invention.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Grudzinskas (US 4,619,481).

With respect to claim 1 and referring to Figure 21, Grudzinskas discloses an air mattress comprising: a mattress pad (chair); a back support (inflatable chambers shown within upholstery 133) to raise a part (134) of the mattress pad; and an air pump assembly (135) built into the mattress pad to inflate the mattress pad and the back support.

Given the broadest reasonable interpretation, the inflatable recliner has been considered as an air mattress insofar as the recliner could function as a mattress.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilhoit (US 5,771,514).

With respect to claim 1, Wilhoit discloses an air mattress comprising: a mattress pad (10); a back support (one of 16, 18 or 20) to raise a part of the mattress pad; and

an air pump assembly (12) built into the mattress pad to inflate the mattress pad and the back support.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collymore (US 6,298,511) in view of Wilhoit (US 5,771,514).

With respect to claim 1, Collymore discloses an air mattress comprising: a mattress pad (12 and one of 22 when in the position shown in Figure 2); a back support (other of 22) to raise a part of the mattress pad; and an air pump assembly (38) to inflate the mattress pad and the back support (see col. 4 lines 33-34). Collymore fails to teach that his pump assembly is built into his mattress pad. Wilhoit discloses an air mattress comprising: a mattress pad (10); a back support (one of 16, 18 or 20) to raise a part of the mattress pad; and an air pump assembly (12) built into the mattress pad to inflate the mattress pad and the back support. In view of Wilhoit's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Collymore to have a pump assembly built into his mattress as opposed to external of the mattress in order to reduce the number of components for the apparatus and avoid potential loss of one of the components.

With respect to claim 6, wherein the back support has a V-shaped cross section, or at least as V-shaped in cross section as the back support of the instant invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 571-272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES M. HEWITT
PRIMARY EXAMINER